

**REMARKS****I. Status of the Claims:**

Claims 1-36 are currently pending.

**II. Rejections under Sections §102 and §103**

Claims 1-18, 21-25, 31-32, and 34-36 have been rejected under 35 U.S.C. §102(e) as being anticipated by Doi et al. (US 2001/0014911, hereinafter Doi). Claims 19, 26-28 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Doi. Claim 20 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Doi in view of Rajchel et al. (USPN 6,496,931, hereinafter Rajchel). Claim 33 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Doi in view of Carothers et al. (US 2002/0069117, hereinafter Carothers). Claim 29 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Doi in view of Owen et al. (USPN 6,611,501, hereinafter Owen). Applicants respectfully traverse the rejection of these claims, for the reasons set forth below.

**1. Claim 1:**

Independent claim 1 is directed to a method involving recognizing one or more service opportunities of a service operator on a user device operated by a user; determining a privacy level at which communications is conducted with the service operator; and conducting the communications with the service operator at the privacy level. In other words, one or more service opportunities is recognized before determining a privacy level and then conducting communications with the service operator at the privacy level.

On the contrary, Doi shows a mobile terminal 10 capable of communication with a location dependent service provider, across a wireless network 18, wireless gateway 20 and internet 20. In operation, the mobile terminal sends a “service request” to the location dependent

service provider (and its services) across the wireless network 18, gateway 19 and Internet 20 and, in response, is actually provided a service. The actual receipt of service by the terminal is simply not a recognition of a “service opportunity” or opportunity for service on a user device or even determining of a service opportunity (as suggested by the Examiner) on a user device, especially where the terminal itself requests such service. Thus, the mobile terminal 10 does not perform any recognizing one or more “service opportunities” of a service provider.

Further, in view of the Examiner’s clarification that the claimed recognizing is taught by the actual receipt of service on the terminal, Applicants respectfully submit that Doi does not disclose or suggest the claimed determining and conducting communications, which occur after the claimed recognizing. See Office Action, pages 11 and 12. In particular, the operations of Doi relied upon by the Examiner as teaching the claimed determining and conducting communications appear to occur before the receipt of services and thus are a precursor to receiving/obtaining service. Thus, Doi also does not disclose or suggest the claimed determining and conducting communications. The Office Action does not address this point with reasonable particularity, particularly identifying the entity and the particular operations being relied upon.

In addition, in Doi, the determination and control of communications, e.g., identified or anonymous, between a terminal and a service operator reside on the service operator’s side not on the user’s or third party’s side, particularly since the Examiner alleges that the access point (e.g., wireless gateway 19) is part of the service operator. See Doi, paras [0068], [0071]. As noted above, irrespective of the type of service request, the terminal provides various information including User ID, static profile and dynamic profile to the service operator’s access point (as alleged by the Examiner). Thus, Doi does not disclose or suggest determining a privacy

level at which communications is or to be conducted with the service operator, and conducting the communications with the service operator at the privacy level.

Finally, the Examiner's position that the access point is part of the service operator would be contrary to the claimed privacy arrangement since the operator of the access point actually receives the User ID and other information, such as the static and dynamic profiles. See Doi, paras [0062]-[0063] Thus, Doi does not disclose or suggest the claimed recognizing one or more service opportunities of a service operator and, accordingly, the claimed determining and conducting.

In view of the foregoing, claim 1 and the claims dependent therefrom are patentably distinguishable over the cited references.

**2. Claim 34:**

Independent claim 34 is directed to a method involving recognizing one or more service opportunities of a service operator on a user device operated by a user; determining a privacy level at which communications is conducted with the service operator relating to the one or more service opportunities on the user device; determining a profile access level on the user device; transmitting the profile access level to the service operator; and enabling the service operator to obtain a subset of profile information of the user from the profile operator according to the profile access level.

For similar reasons as discussed above for claim 1, Doi does not disclose or suggest the claimed recognizing and determining a privacy level. Further, in view of the Examiner's clarification that the claimed recognizing is taught by the actual receipt of service on the terminal, Applicants respectfully submit that Doi does not disclose or suggest any of the subsequent claimed operations (e.g., determining privacy level, determining profile access level,

transmitting, and enabling) following the recognizing operation. As noted above, the operations of Doi relied upon by the Examiner as teaching the subsequent claimed operations appear to occur before the receipt of services and thus are a precursor to receiving/obtaining service.

Further, Doi does not disclose or suggest determining a profile access level on the user device, transmitting the profile access level to the service operator, and enabling the service operator to obtain a subset of profile information of the user from the profile operator according to the profile access level. Since the Examiner now considers the access point (e.g., wireless gateway 19) to be part of the service operator, the operator actually obtains the User ID, static profile and dynamic profile. See Doi, paras [0062]-[0063]. That is, the service operator obtains all the profile information, e.g., static and dynamic profile, not only a subset, irrespective of the type of service requested. The fact that the wireless gateway of the service operator forwards only the dynamic profile to another of the service operator's component, e.g., location dependent server 22, does remedy this defect that the profile information is already in the hands of the service operator. Accordingly, Doi does not disclose or suggest the claimed determining a profile access level, transmitting and enabling.

In view of the foregoing, independent claim 34 is also patentably distinguishable over the cited references.

### **3. Claim 36:**

Dependent claim 36 further recites that the user device controls the information sent from the device according to the privacy level.

On the contrary, the Examiner's assertion that the user controls what information the service provider "receives" does not address control of information (e.g., static profile, dynamic profile) that is "sent from" the device. As described in Doi, the wireless gateway 19

receives User ID, static profile and dynamic profile and selectively provides this information to the servers based on the communication control information table. See Doi, paras [0062]-[0063]. Accordingly, Doi also does not disclose or suggest that the user device controls the information sent from the device according to the privacy level.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 4208-4007.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 4208-4007.

Respectfully submitted,  
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